

MONTANA LEGISLATIVE HISTORY

Chapter 426 1999

Bill H 435 S _____ Original bill & history C

H. Committee on Business & Labor

Hearing Date(s) Feb 11 ☒ C

Feb 14 ☒ C

_____ ☐ C

_____ ☐ C

Date Out Feb 14 ☒ C

S. Committee on Business & Industry

Hearing Date(s) Mar 14 ☒ C

Mar 15 ☒ C

_____ ☐ C

_____ ☐ C

Mar 15 ☒ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

1997 LEGISLATIVE HISTORY

The 1997 Montana Legislature has dramatically changed the nature of the legislative minutes. Specifically, the minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are somewhat fuller in content. Exhibits available from the State Law Library (which may include written statements, attendant information, roll call votes, roll call attendance, a list of public members present, specific action taken on legislative bills, etc.) are included with this request. For information on other exhibits, contact the Montana Historical Society Archives at 444-4774. Exhibits may also be purchased on a CD-ROM from the Montana Legislative Council (444-3064).

Just as in the 1995 legislative session, the House and Senate hearings were recorded. The Historical Society is the depository for the tapes. For information on accessing the tapes, call the archives at 444-4774.

If you have concerns over the format of the 1997 legislative minutes, it is suggested that you contact your state legislators.

	TRANSMITTED TO SENATE		
3/11	FIRST READING		
3/11	REFERRED TO TAXATION		
3/20	HEARING		
4/10	COMMITTEE REPORT—BILL CONCURRED		
4/15	2ND READING CONCURRED	40	9
4/16	3RD READING CONCURRED	44	6
	RETURNED TO HOUSE		
4/24	SIGNED BY SPEAKER		
4/24	SIGNED BY PRESIDENT		
4/25	TRANSMITTED TO GOVERNOR		
5/05	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 537		
	EFFECTIVE DATE: 05/05/97		

HB 435 INTRODUCED BY HARPER

LC1063 DRAFTER: STERNBERG

REQUIRE THAT, ABSENT A CONFLICTING LOCAL ORDINANCE, CERTAIN INFORMATION BE PROVIDED BY PET SHOPS, HUMANE SOCIETIES, AND PUBLICLY OPERATED ANIMAL SHELTERS AND POUNDS WHEN MAKING A CAT OR DOG AVAILABLE FOR SALE OR ADOPTION

2/04	INTRODUCED		
2/04	FIRST READING		
2/04	REFERRED TO BUSINESS & LABOR		
2/11	HEARING		
2/14	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/17	2ND READING PASSED	61	38
2/18	3RD READING PASSED	68	31
	TRANSMITTED TO SENATE		
2/19	FIRST READING		
2/19	REFERRED TO BUSINESS & INDUSTRY		
3/14	HEARING		
3/21	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/26	2ND READING CONCUR MOTION FAILED	23	26
3/27	RECONSIDERED PREVIOUS ACTION	28	22
4/04	2ND READING CONCURRED AS AMENDED	31	19
4/07	3RD READING CONCURRED	29	21
	RETURNED TO HOUSE WITH AMENDMENTS		
4/12	2ND READING AMENDMENTS CONCURRED	82	12
4/14	3RD READING CONCURRED AS AMENDED	73	25
4/19	SIGNED BY SPEAKER		
4/24	SIGNED BY PRESIDENT		
4/25	TRANSMITTED TO GOVERNOR		
4/29	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 426		
	EFFECTIVE DATE: 10/01/97		

HB 436 INTRODUCED BY DOWELL, ET AL.

LC1200 DRAFTER: MCCLURE

PROVIDE FOR PAID JURY DUTY LEAVE FOR SCHOOLTEACHERS

2/04	INTRODUCED		
2/04	FIRST READING		
2/04	REFERRED TO EDUCATION & CULTURAL RESOURCES		
2/04	FISCAL NOTE REQUESTED		
2/06	FISCAL NOTE RECEIVED		
2/06	FISCAL NOTE PRINTED		
2/07	HEARING		
2/17	COMMITTEE REPORT—BILL PASSED		
2/18	2ND READING DO PASS MOTION FAILED	46	54

Proponents' Testimony:

Don Fisher, Chairman, Public Service Commission. EXHIBIT 4.
{Tape: 1; Side: 1; Approx. Time Count: 3.0; Comments: None.}

Rich Sheafer, Supt. Shields Valley School, EXHIBIT 6 and 7.
{Tape: 1; Side: 1; Approx. Time Count: 9.1; Comments: None.}

Jean Mandeville, Montana Telephone Assn. EXHIBIT 8.
{Tape: 1; Side: 1; Approx. Time Count: 11.0; Comments: None.}

Ken See, NAPA Auto Parts store owner, Great Falls
{Tape: 1; Side: 1; Approx. Time Count: 13.4; Comments: None.}

Mike Strand, MT Industry Telecommunication Systems
{Tape: 1; Side: 1; Approx. Time Count: 14.4; Comments: None.}

Barbara Raph, U S West
{Tape: 1; Side: 1; Approx. Time Count: 15.7; Comments: None.}

Don Judge, Montana AFL-CIO
{Tape: 1; Side: 1; Approx. Time Count: 17.0; Comments: None.}

Opponents' Testimony: NoneQuestions From Committee Members and Responses:

{Tape: 1; Side: 1; Approx. Time Count: 21.5; Comments: None.}

Closing by Sponsor: Rep. Joe Quilici closed.

{Tape: 1; Side: 1; Approx. Time Count: 28.1; Comments: None.}

HEARING ON HB 435

Opening Statement by Sponsor: Rep. Hal Harper, H. D. 52
introduced the bill. EXHIBIT 9, 10, 11, 12, 13.
{Tape: 1; Side: 1; Approx. Time Count: 30.1; Comments: None.}

Proponents' Testimony:

Rep. Simpson, H. D. 61
{Tape: 1; Side: 1; Approx. Time Count: 38.7; Comments: None.}

Carolyn Deoring, Helena, MT. EXHIBIT 14.
{Tape: 1; Side: 1; Approx. Time Count: 39.2; Comments: None.}

Sam Radalini, Gallatin Co. Humane Society. EXHIBIT 15 & 16.
{Tape: 1; Side: 2; Approx. Time Count: .01; Comments: None.}

Janee Jacobson, Gallatin Humane Society.
{Tape: 1; Side: 2; Approx. Time Count: 5.0; Comments: None.}

Mark Watson, City Administrator, City of Billings
{Tape: 1; Side: 2; Approx. Time Count: 7.9; Comments: None.}

Jane Reilly-dog breeder. EXHIBIT 17.

{Tape: 1; Side: 2; Approx. Time Count: 9.2; Comments: None.}

Jean Antulle, Stevensville, MT, EXHIBIT 18 & 19.

{Tape: 1; Side: 2; Approx. Time Count: 10.; Comments: None.}

Vicki McClane, - dog sled owner. EXHIBIT 20.

{Tape: 1; Side: 2; Approx. Time Count: 12.0; Comments: None.}

Dorthea Spurlin, Dog Breeder.

{Tape: 1; Side: 2; Approx. Time Count: 13.3; Comments: None.}

Conner Carson, Lolo, MT- Missoula County Humane Society.

{Tape: 1; Side: 2; Approx. Time Count: 15.1; Comments: None.}

Stuart Doggett, MT Veterinary Assn.

{Tape: 1; Side: 2; Approx. Time Count: 18.8; Comments: None.}

Mary Ann Berg, Stevensville

{Tape: 1; Side: 2; Approx. Time Count: 20.2; Comments: None.}

Gus Qunitana, Missoula Humane Society

{Tape: 1; Side: 2; Approx. Time Count: 23.5; Comments: None.}

Charlene Miller, Stevensville, MT. EXHIBIT 21.

{Tape: 1; Side: 2; Approx. Time Count: 25.0; Comments: None.}

Ethel Keil, Hamilton, MT

{Tape: 1; Side: 2; Approx. Time Count: 27.2; Comments: None.}

A. Alexander, Helena, MT

{Tape: 1; Side: 2; Approx. Time Count: 29.9; Comments: None.}

Judy Lemmer, Missoula Humane Society member.

{Tape: 1; Side: 2; Approx. Time Count: 31.3; Comments: None.}

Ken Hollis, Deer Lodge, MT

{Tape: 1; Side: 2; Approx. Time Count: 32.6; Comments: None.}

Dennis Iverson, Montanans and Their Pets

{Tape: 1; Side: 2; Approx. Time Count: 33.9; Comments: None.}

Kate Moon, Bozeman, Gallatin Humane Society

{Tape: 1; Side: 2; Approx. Time Count: 39.0; Comments: None.}

Opponents' Testimony: None.

Questions From Committee Members and Responses:

{Tape: 2; Side: 1; Approx. Time Count:.5; Comments: None.}

Closing by Sponsor: Rep. Joe Tropila, H. D. 47 closed.

{Tape: 2; Side: 1; Approx. Time Count: 11.6; Comments: None.}

HOUSE OF REPRESENTATIVES

BUSINESS AND LABOR COMMITTEE

ROLL CALL

DATE 4/11/97

NAME	PRESENT	ABSENT	EXCUSED
Bruce Simon, Chairman	✓		
Paul Sliter Vice Chairman	✓		
Bob Pavlovich, Vice Chairman	✓		
Joe Barnett	✓		
Rod Bitney	✓		
Sylvia Bookout	✓		
Charles Devaney	✓		
David Ewer		X	
Kim Gillan	✓		
Billie Krenzler	✓		
Bob Lawson	✓		
Rod Marshall	✓		
Gay Ann Masolo	✓		
Wes Prouse	✓		
Carolyn Squires	✓		
Jay Stovall	✓		
Cliff Trexler	✓		
Joe Tropila	✓		
Carley Tuss	✓		

EXECUTIVE ACTION ON HB 435

Motion: Rep. Pavlovich moved do pass HB 435.
{Tape: 3; Side: 1; Approx. Time Count: 31.2; Comments: None.}

Motion/Vote: Rep. Pavlovich moved to adopt Harper amendments.
Motion carried unanimously.
{Tape: 3; Side: 1; Approx. Time Count: 31.6; Comments: None.}

Motion/Vote: Rep. Pavlovich moved do pass HB 435 as amended.
Motion carried unanimously.
{Tape: 3; Side: 1; Approx. Time Count: 34.2; Comments: None.}

EXECUTIVE ACTION ON HB 78

Motion/Vote: Rep. Sliter moved to take HB 78 from table. Motion
carried unanimously.
{Tape: 3; Side: 1; Approx. Time Count: 36.9; Comments: None.}

EXECUTIVE ACTION ON HB 240

Motion/Vote: Rep. Devaney moved do pass HB 240. Motion carried
roll call 11-7.
{Tape: 3; Side: 1; Approx. Time Count: 38.8; Comments: None.}

this bill will come to the rescue. We are in support of the amendments. We urge you to pass this bill.

Dick Pattison, MT Senior Citizens Assoc. We are here today to support HB 431. If anything, we wish it went further than it does. We support the amendments.

Opponents' Testimony: None

Questions From Committee Members and Responses:

SEN. STEVE BENEDICT asked if the sponsor would like to make "slamming" a felony? REP. QUILICI answered that if the committee would like to make the penalty a little stronger, he would have no objection to that. He suggested that the committee check with Greg Petesch and work with him to see if it could be done.

SEN. CASEY EMERSON asked if the committee adds the amendment that you submitted, the bill will have to go back to the House. So with the suggested amendment of SEN. BENEDICT, it wouldn't make it anymore difficult, right? REP. QUILICI replied that no, all amendments could be added and he would accept all three amendments.

Closing by Sponsor:

REP. QUILICI closed. I hope that you will pass this bill. I appreciate the good hearing.

{Tape: 1; Side: A; Approx. Time Count: 9:33 AM; Comments: N/A.}

HEARING ON HB 435

Sponsor: REP. HAL HARPER, HD 52, HELENA

Proponents: REP. DOROTHY SIMPSON, HD 61, HAMILTON
Sam Rotellini, Bozeman Humane Society
Dennis Iverson, Montanans and Their Pets
Janice C. Reilly, Bozeman
Stuart Doggett, MT Veterinary Medical Assoc.
Judith Fenton, Animal Welfare
Colleen Miller, Western MT Spay/Neuter Task Force
Jorge Quintana, Missoula Humane Society
Judy Lemmer, Humane Society Task Force, Missoula
Arthur Alexander, Hamilton

Opponents: None

Opening Statement by Sponsor:

REP. HAL HARPER, HD 52, HELENA. HB 435 addresses a problem that costs taxpayers in the United States \$1 billion a year. It pertains to the controlling of the population of dogs and cats.

Everyday, in this nation, approximately 70,000 puppies and kittens are born. Only one out of five find a good home. The result is that every city, town and burg ends up killing nearly half of these animals. They are euthanized mostly at pounds and humane shelters. Is the only solution to kill the extras? No, the solution is simple and very cost effective. It requires spaying and neutering of these pets. This bill requires every humane society and pound to adopt a policy that before the animals can be adopted, they have to be spayed or neutered. If the animal is less than six months, the person has to sign an agreement saying they will have the procedure done at the proper time. The first part of the bill deals with information that will be provided upon the sale of the animal. The addition of a pet to a family is important and they need to know certain health information.

In one part of the bill, there has been a problem. In both the cases of the humane societies and pet stores, there are some people who deliver the pet and do not want their names known. As the bill is written, that information would have to be provided upon request. I have worked with **Dennis Iverson** who represents the pet store owners and we have come with an amendment (**EXHIBIT 4**) that we think addresses the problem and does it in a nice way. It provides the information will be kept for two years. The information can be released if there is a legal action or enforcement action, but otherwise the pet stores or the humane societies do not have to release that information. That will protect a good samaritan who rescues a pet and brings it to a humane society.

Proponents' Testimony:

REP. DOROTHY SIMPSON, HD 61, HAMILTON. I am here to speak for this bill. The problem is endemic in Montana. This is a beginning. Thank you.

Sam Rotellini, Bozeman Humane Society and MT Animal Care Assoc. We support this bill with the amendments. This bill provides for the allowing of basic information. The only real solution for overpopulation of animals is spaying and neutering. We work hard to find homes for the animals, but there are more animals than there are homes. Recently we provided free spaying and neutering in Bozeman. We had 60 free surgeries and they were given away in 45 minutes. People want to do this. We do require this in our animal shelter. This bill is a good bill and provides the mechanism for those people that agree to alter an animal and failure to do so is expensive to us and to the animal patrol organizations. We need an enforcement arm. Thank you.

Dennis Iverson, Montanans and Their Pets. We represent pet stores across Montana. This bill is an excellent idea. We are also in support of the amendments. Thank you.

Janice Reilly, Gallatin Valley Humane Society. I strongly support this bill and would submit a letter (**EXHIBIT 5**) of support.

Stuart Doggett, MT Veterinary Medical Assoc. We too go on record in support of HB 435. We are also in support of the amendments. Thank you.

Judith Fenton, Clancy. I would like to speak and hand in my written testimony (**EXHIBIT 6**).

Colleen Miller, Stevensville. She felt that this was a good bill and would effectively control the problem of overpopulation. She related stories of a puppy mill that is close to her home.

Jorge Quintana, Missoula Humane Society. We strongly support HB 435. On amendment #4, we would change it to read "include the manufacturer's name and serial number of the vaccination used if available". The only reason that information might not be available would be if (a) the vaccination was not actually given or (b) sloppy bookkeeping. Because of that, that information should always be available and be given out. There is a difference between someone rescuing an animal and bringing the animal to a shelter and someone who peddles puppies and kittens to a store for the intent purpose of reselling that puppy for a profit.

Judy Lemmer, Missoula and member of the Humane Society Task Force. I have been a volunteer for ten years. I did help write this legislation. We researched similar legislation from several other states. We picked the most basic and practical legislation we could. We feel this a good, workable bill. Legislation will not solve the problem but it will validate what we are doing in the communities. I would like to submit a brochure that speaks to the problems of pet overpopulation and to spaying and neutering (**EXHIBIT 7**). We ask your concurrence in the bill.

Arthur Alexander, Hamilton Humane Society. We would like for you to support this bill. It is a small step. But we have a serious problem and we need to start somewhere. Thank you.

Opponents' Testimony: None

Questions From Committee Members and Responses:

SEN. STEVE BENEDICT asked if this bill is absolutely necessary? Can't the humane societies and animal shelters adopt these rules without us passing a law? **REP. HARPER,** said yes they can, but the real question is will they do it or when will they do it? The humane societies and animal shelters should not be in the business of increasing the population of the animals. **SEN. BENEDICT** observed that it is getting a bit sticky on the Senate Floor and you know how that goes, with top down versus local control. I have a feeling this bill will face a few problems on

the Senate Floor. **REP. HARPER** said he feels that this bill is simple and doesn't really cost so much money.

SEN. CASEY EMERSON asked if this bill might not be putting additional costs onto people who want to adopt a pet and won't do so if it costs them more? **REP. HARPER** said that the costs paid by citizens to support the Humane Societies' function should be more than when an animal is adopted and those costs would be covered by the person doing the adopting. This bill should save taxpayers money. When the Lewis & Clark Humane Society adopted the policy of spaying and neutering by the owners they were concerned about the demand for animals would drop off. This concern did not come about. They seemed to notice that people had a better commitment to the pet. Sometimes you can't give things away for free, but if you sell them for \$5, people will not only buy them but take better care of them.

Closing by Sponsor:

REP. HARPER closed. If this bill works, it would increase the business at the pet stores. People will be looking for those kind of outlets for breeding pets. They shouldn't come from puppy farms. Thank you for your time.

{Tape: 1; Side: B; Approx. Time Count: 9:58 AM; Comments: TURNED THE TAPE A BIT EARLY SO AS TO START AT THE BEGINNING OF SIDE B.}

HEARING ON HB 478

Sponsor: **REP. WILLIAM WISEMAN, HD 41, GREAT FALLS**

Proponents: **Greg Van Horssen, State Farm Insurance**
Charles Brooks, MT Independent Glass Dealers
Assoc.
Frank Cote, Deputy Insurance Commissioner

Opponents: **None**

Opening Statement by Sponsor:

REP. WILLIAM WISEMAN, HD 41, GREAT FALLS. For those of you around in 1993, you might recall that we had an atmosphere with lots of grief from the small glass repair shops in the state. There were allegations that came before us that the large insurance companies were trying to divert their customers who had broken their windshields to shops who had a contract with the insurance company. Other repair shops came in and said they needed some legislation. We passed legislation to fix that particular point. When a person's windshield is broken, they can take it to any shop to get it repaired. We need to tweak the bill a little bit. It won't take long.

Amendments to House Bill No. 435
Third Reading Copy

Requested by Representative Harper
For the Committee on Business and Industry

Prepared by Bart Campbell
March 13, 1997

1. Title, line 5.

Following: " ; "

Insert: "PROVIDING FOR THE RETENTION AND CONFIDENTIALITY OF
CERTAIN INFORMATION ;"

2. Page 1, line 13.

Following: "required."

Insert: "(1)"

3. Page 1, line 17.

Strike: "(1)"

Insert: "(a)"

Renumber: subsequent subsections

4. Page 1, line 20.

Following: "INCLUDING"

Insert: ", if available,"

Following: " ; "

Insert: "and"

5. Page 1, line 22.

Strike: " ; "

Insert: "."

6. Page 1, following line 22.

Insert: "(2) The following information must be retained for a
period of 2 years and remains confidential unless requested
pursuant to an enforcement action or legal proceeding."

7. Page 1, line 23.

Strike: "(5)"

Insert: "(a)"

Renumber: subsequent subsections

Janice C. Reilly
1627 W Main STE 236
Bozeman, MT 59715
406-580-4016
March 13, 1997

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 5
DATE 3-14-97
BILL NO. HB 435

To the Montana State Legislature:

What do dog food, cat food, pet carriers, leashes, collars and other pet supplies all have in common? The product source. Consumers of products consider it important to know where an item is made and how it is manufactured. Although dogs and cats are not inanimate objects, shouldn't the consumer be provided with basic information as to breed, breeder and health care for any companion animal they decide to purchase? This information is important for the new dog/cat owner to have to be able to address any questions or problems that may arise during their ownership of the dog/cat. This is what HB 435 would ask of pet stores, humane societies and other publicly operated animal shelters or pounds.

As a member of the Bernese Mountain Dog Club of America, our code of ethics states:

....No member shall sell adults or puppies to any known retail or wholesale pet outlet...Any buyer should be supplied with a four generation pedigree, with information on inoculations and other veterinary care that the dog has had, and with instructions on the care, feeding, and training of the Bernese Mountain Dog...A breeder will guarantee the health of his stock subject to a veterinarian's examination within 48 hours of the sale...A breeder should try to keep in touch with the progress of dogs of his breeding in order to better analyze his own program.

Breeding and marketing of companion animals is not an endeavor to be taken lightly as poorly bred, raised, cared for animals which are not adequately socialized and obedience trained become a detriment to society. Witness the increase in the number of companion animals which roam the streets either unattended by their owner or in the worst scenario "dumped" by their owner much as someone would dump a nonfunctioning car. The difference here is that society has junk yards for cars where some of the parts can be recycled. Our "junk yards" for companion animals are mostly our publicly funded animal shelters where society rather than private enterprise tries to place, i.e. recycle, the animals into a new home.

As a Bernese Mountain Dog breeder who breeds occasionally, I provide information directly to the buyer and I make myself available to the buyer for all future concerns regarding their puppy. The goal is to educate the buyer and help as much as possible in having the animal be a good family member.

Attached are parts of articles reprinted by permission from Dog Owner's Guide as pertains to finding sources for purchasing a dog/puppy. Please consider this information when making your decision about HB 435.

Thank you for your time.

Janice C. Reilly

Reprinted by permission from Dog Owner's Guide

Help with finding a dog by Norma Bennett Woolf, editor, Dog Owner's Guide

Introduction

Once you've chosen the breed of dog that appeals to your esthetic sense and meets your family's need and circumstances, you have a plethora of potential sources for your new companion. Not all sources are equal. Breeding philosophies, breed knowledge, prices, financial arrangements, contracts, and customer or client assistance differ among the various puppy sellers. Most puppies purchased from any of these sources are acceptable pets, but chances of buying a lemon are greater with some than with others.

For a look at the pitfalls of choosing the wrong source, see The Puppy Report by Larry Shook. Although the book probably overstates the potential for purchasing an unhealthy puppy, the point is clear: don't buy a dog without careful consideration of the source.

Shelters

A patient and discriminating person can find a purebred or mixed bred dog that appeals to his own personality and needs at one of the public or private shelters in their area for a very reasonable price. Most dogs that leave shelters have received a veterinary check-up including vaccinations and any necessary short-term care. Many shelters issue discount certificates for spay or neuter surgery; some sterilize all purebreds prior to adoption...

What about a pet store puppy? By Norma Bennett Woolf, editor Dog Owner's Guide

Although many people get good pets from pet stores, chances are that the puppy will have one or more problems caused by poor breeding practices and the pet store will have no answers for customers seeking to solve those problems.

Most pet stores have some kind of guarantee or warranty under which they'll take the puppy back if certain conditions are met within a specified time. They are not equipped to handle training problems, behavior problems, or decisions about whether to breed a particular animal or to spay or neuter it. And the pet store staff generally knows little or nothing about the temperament, care, health problems, or behavior of the breeds they sell.

The source of pet store puppies

Pet stores have been accused of getting their puppies from puppy mills, but this is not true of reputable independent or chain stores. However, they do get their pups from commercial kennels or brokers who are in the business to sell puppies, not to provide information that will help buyers make good selections.

Commercial kennels often produce many breeds of dogs. They are required to be licensed by the US Department of Agriculture and must provide facilities and a plan for veterinary care that meet the guidelines of the federal Animal Welfare Act. However, a shortage of inspectors, protection by local authorities, and the difficulty of making a legal

case against violators makes adherence to the AWA dependent more on the ethics of the kennel owner than of the fear of reprisals for defying the law.

Brokers buy dogs from large and small breeders who also must be licensed by USDA and meet the AWA criteria. Missouri, known as a "puppy mill state," has more licensed USDA kennels and brokers than any other state. Brokers advertise for puppies. They promise top prices, breeder programs, breeder appreciation events, veterinary exams, breeder education, loyalty, courtesy, and careful transportation to entice breeders into the fold. The puppies are a commodity to them.

Chances are slim that puppies from these sources come from dogs that have been tested for the genetic diseases common to their breeds. Hip x-rays, blood tests, and eye certifications cost money, and those costs could not be passed through the chain to the pet store without adding considerably to the cost. The breeders are also unlikely to either know or care about the breed standard, that set of guidelines that describes each breed and maintains its integrity; to carefully choose breeding stock for sound temperament; to use AKC's limited registration and require sterilization of pet quality puppies; or to consider the reproductive health of their dogs when making breeding decisions.

Some pet stores buy puppies locally from breeders who produce a few litters from one or more breeds each year. These people supplement their income by selling puppies and are spare the difficulties of interviewing prospective buyers or keeping unsold puppies. In all likelihood, these breeders do not test for genetic diseases, place no limits on puppy registration, have a marginal health program, know little about the breed standard, and have poor quality breeding stock.

Pet quality puppies

Today we have Labrador Retrievers with legs that belong on Great Danes; American Eskimos that look like Samoyeds with snippy heads; light-boned Akita; Shetland Sheepdogs as big as Collies; Dalmatians and Airedales with screwy personalities; aggressive Old English Sheepdogs; neurotic Poodles; unsocialized Chow Chows; and dysplastic dogs of all breeds sold in pet stores. The buyer cannot visit the facility that produced the puppies and talk to the breeder; ask about genetic clearances, parent-dog temperaments, or breed characteristics; see the quality of adult dogs produced by the kennel; be reimbursed if the dog develops a genetic disease two or three years down the road; get help with training or behavior problems; ask for local references to contact about previous puppy sales; be assured that someone feels responsible for bringing that particular puppy into the world and will take it back if the family falls on hard times.

Dog Owner's Guide has won four Dog Writer's Association of America Maxwell awards as the Best Canine Newspaper in the US.

House Bill #435

Testimony before Senate Business & Industry Committee -
Mr. John Hertel, Chairman

I see this proposed bill as a good step toward better treatment of animals in Montana. A big plus is that if passed it will not cost the State, or our Cities or Counties anything at all. It should even save these agencies money because anything that helps decrease pet overpopulation will eventually decrease the funds needed for Animal Control. Section 2 will provide excellent guide-lines for new Humane Society or Municipal animal shelters that are established after this bill becomes law. All our larger and most of our present smaller shelters in Montana already provide equal or even tougher provisions in adoption contracts to ensure that pets they adopt out are spayed or neutered. Section 1 will send a message, loud and clear, to anyone (puppy mill or casual breeder), that in Montana it will not be easy to exploit breeding pets for quick profit.

Judith Fenton
One Grizzly Way
Clancy, MT 59634
(406) 933-5922

HB435**CAT AND DOG OVERPOPULATION CRISIS****Euthanasia is the single largest cause of death for dogs and cats in the U.S.**

Each year 27 million are born; 10 - 12 million we classify as "surplus" and kill. These figures do not include the millions of abandoned and abused animals who never make it to the shelters to be counted and killed. The 10 - 12 million figure represents those we "must" kill because they are unwanted. Most are young and healthy; a majority are less than one year old.

The problem is simple: there are too many dogs and cats for the homes available. The solution we have chosen - to kill the extras - has been considered acceptable by default, as though there were no other way to control the surplus. And so we spend over \$1 billion every year destroying "man's best friends."

THERE IS A BETTER SOLUTION: SPAY AND NEUTER. THE MOST EFFECTIVE FORM OF ANIMAL CONTROL IS BIRTH CONTROL.

HB435

SPAY/NEUTER LAWS

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 7
DATE H 3-14-97
BILL NO. HD 435

Which states already have spay/neuter laws?

The following nineteen (19) states have spay/neuter laws: Arizona, Arkansas, California, Connecticut, Florida, Georgia, Illinois, Iowa, Kansas, Louisiana, Massachusetts, Missouri, New Hampshire, New Mexico, North Dakota, Oklahoma, Rhode Island, Texas, and Virginia. In addition, New Jersey has an excellent Animal Population Control Fund which is partially funded by an innovative vanity license plate program.

What is the purpose of a spay/neuter law?

The most common type of law requires dogs and cats adopted from an animal shelter to be spayed or neutered in order to reduce the large number of unwanted kittens and puppies born each year. Another type of law establishes a program to subsidize the cost of the spay/neuter surgery.

Is it important that shelters spay and neuter pets offered for adoption?

Yes! Animal shelters and humane societies must ensure that they are helping to alleviate the problem instead of contributing to it, by requiring and enforcing a policy for the spaying and neutering of all adopted animals. In the long run, if spay/neuter operations are a mandatory part of the adoption process, fewer animals will be in need of homes - thus reducing both animal suffering, and shelter overload.

Does spaying and neutering of pets help a community?

Yes! The costs of the dog and cat overpopulation problem are overwhelming. Communities spend hundreds of thousands of dollars to control and eliminate unwanted pets and stray animals. Significant resources are spent to pick up, feed and care for stray animals, to reunite lost animals with their owners or to adopt them out, and to euthanize the unwanted excess animals. In addition, many people are aggravated by the destruction caused by stray animals. The emotional toll on shelter employees and others who care for stray animals is substantial. And the animal suffering is incalculable.

PET OVERPOPULATION IN MONTANA:

PRIVATE BUSINESS & INDUSTRY
EXHIBIT NO. 7

COSTLY CRISIS IN EVERY MONTANA COUNTY

DATE 3-14-97
FILE NO. H 8435

TOTAL ANIMALS RECEIVED. TOTAL ANIMALS EUTHANIZED. BY
ANIMAL CONTROL SHELTERS AND HUMANE SOCIETIES IN MONTANA (1994)*

<u>AGENCY</u>	<u>ANIMALS RECEIVED</u>	<u>ADOPTED RETURNED</u>	<u>EUTHANIZED</u>
<i>Animal control</i>			
Billings Animal Shelter	5,021	2,206	2,815
Missoula Animal Control	1,075	903	120
Flathead Animal Shelter	3,078	1,488	1,313
Wolf Point Police Dept.	528	194	323
Powell Co. Sheriff's Dept.	20	17	3
Miles City Police Dept.	196	160	34
Troy Animal Control	216	83	133
Cutbank Police Dept.	92	64	31
City of Belgrade	62	53	0
Anaconda Police Dept.	1,163	382	681
Three Forks Marshall's Office	15	10	5
Havre Police Dept.	396	260	136
Shelby Animal Control	54	38	20
Town of Lavinia	1	0	1
TOTAL	<u>11,917</u>	<u>5,858</u>	<u>5,615</u>
<i>Humane Societies</i>			
Animal Welfare League	2,010	1,023	987
Cascade County Humane Society	3,167	1,924	1,093
Humane Society of Lake County	281	213	55
Crow Reservation Humane Society	184	19	165
Lewis and Clark Humane Society	2,547	1,234	1,120
Missoula Humane Society	1,926	1,042	828
Silver Bow Humane Society	2,427	981	1,328
Bitterroot Humane Society	1,525	1,035	489
TOTAL	<u>14,067</u>	<u>7,471</u>	<u>6,065</u>
GRAND TOTAL	25,984	13,329	11,680

*1994 is the year with the most complete figures compiled by the Humane Society of the United States.

HB435

WHAT WILL IT DO?

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 78

DATE 3-14-97

BILL NO. 12 B 435

THIS BILL PROVIDES CONSUMER PROTECTION

This bill will require that information regarding the health and history of an animal, and the breeder's name, be provided by pet store or dog or cat dealer to the purchaser of the animal. *No responsible breeder will object to furnishing this information.* Can you imagine Westinghouse or General Motors refusing to have their name associated with their product? Responsible breeders will be proud to have their name known; it serves as a good advertisement for future business. "Puppy mills" or backyard breeders who are interested only in short-term profit, and who are not proud of the animals they produce may not want their names known. Animals from these sources often receive deficient care and are highly prone to disease. They often have congenital defects. The consumer should be protected from purchasing this type of animal: veterinary costs can be significant, heartbreak to the family can be overwhelming, particularly if children become attached to a pet who doesn't survive.

THIS BILL HELPS ANIMALS, COMMUNITIES, AND TAXPAYERS

This bill requires animal shelters and humane societies to ensure they are helping to alleviate the cat and dog overpopulation crisis by requiring and enforcing a policy for spaying and neutering of all adopted animals.

This bill helps communities by beginning to address problems caused by increasing numbers of stray and unwanted animals. Animal control costs are constantly increasing, adding to the burden on communities and taxpayers. **Spay/neuter programs have been proven to reduce animal control costs.**

This bill helps taxpayers because it will, in the long run, help reduce animal control costs.

**AND, THIS BILL COSTS THE TAXPAYER NOTHING!
THIS IS A WIN-WIN BILL!**

HB435

SENSIBLE SOLUTION TO A MAJOR PROBLEM

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 7
DATE 3-14-97
BILL NO. HB 435

Why have a law providing health and breeder information when puppies are offered for sale at pet stores?

90% of puppies for sale in most pet stores have been raised under inhumane conditions in puppy mills, large scale breeding facilities where dogs are treated as nothing more than a cash crop. Dogs raised in these mills are often forced to endure filth, inadequate shelter, incessant breeding, and lack of veterinary care.

What is a puppy mill?

A commercial breeding facility that mass produces dogs for resale in pet stores.

What kind of problems exist in puppy mills?

Because profit, not quality is the goal of a puppy mill owner dogs are kept under the most inexpensive conditions that keep them alive and reproducing. Females spend their short lives in cramped wire cages being bred every six months. Genetic problems, i.e. hip dysplasia, deafness, etc. are not addressed responsibly by these breeders.

Do these puppies make good pets?

Because they have little contact with people, socialization problems exist. They are often ill and have both physical and mental disorders. They are sold at about 7 weeks old, and often change hands ("dog brokers") many times before they reach a pet store.

Aren't there Anti-Cruelty laws already?

Yes, but state anticruelty laws are seldom enforced in rural areas.

Is there a connection between puppy mills and pet stores?

Like all businesses, pet stores want to obtain the least expensive product to sell for a high profit. Puppy mills supply cheap puppies. The American Kennel Club says that although these puppies may be registered as purebred dogs "this in no way indicates the quality or state of health of the dog." The Humane Society advocates not buying puppies at pet stores. However, those cute little puppies will continue to attract customers. Therefore, this portion of the proposed law would offer consumer protection.

Did you know?

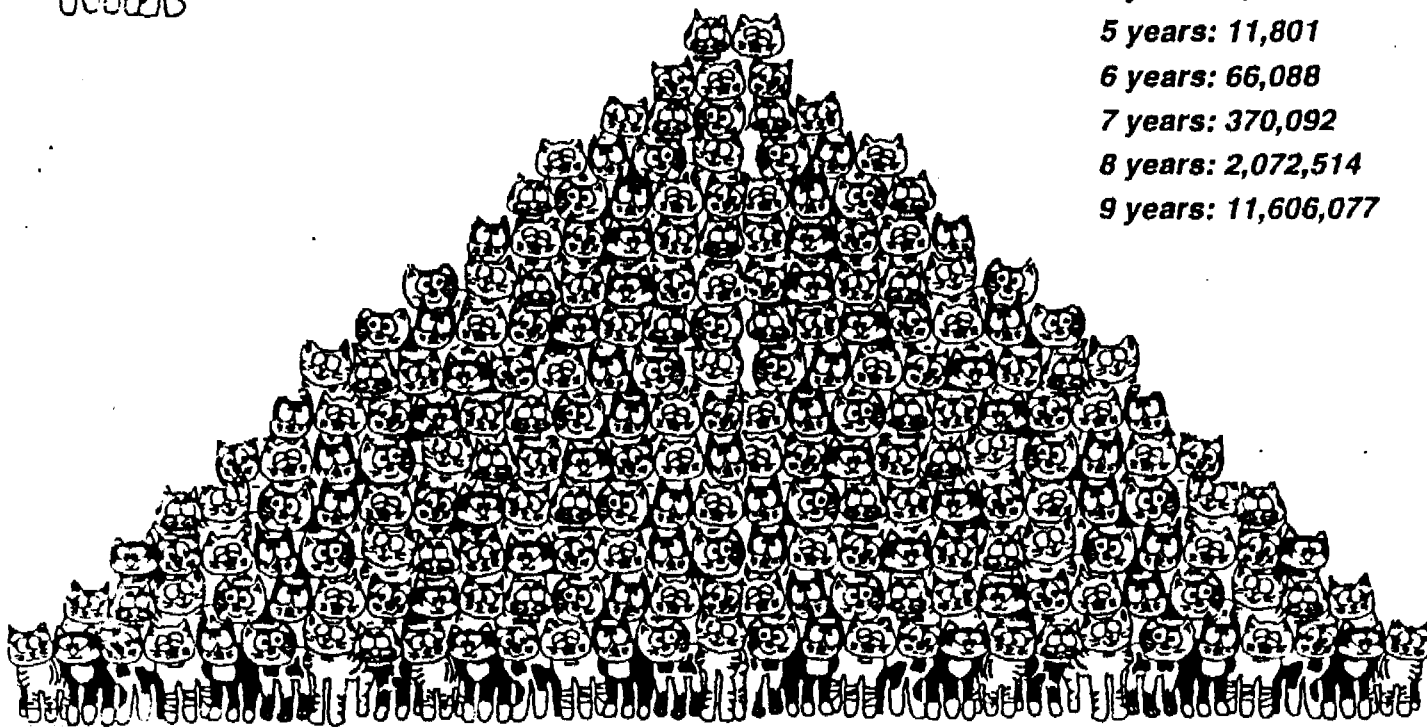
SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 7
DATE 3-14-97
BILL NO. H R 435

Each day 10,000 humans are born in the U.S. — and each day 70,000 puppies and kittens are born. As long as these birth rates exist, there will never be enough homes for all the animals. As a result, millions of healthy, loving cats, dogs, kittens and puppies face early deaths as a form of animal control. Others are left to fend for themselves against automobiles, the elements, animals and cruel humans. What can you do to stop the suffering? *Spay and neuter your pets!* Work with SPAY/USA and together we can make a difference.



An unspayed female cat, her mate and all of their offspring, producing 2 litters per year, with 2.8 surviving kittens per litter can total:

1 year: 12
2 years: 67
3 years: 376
4 years: 2,107
5 years: 11,801
6 years: 66,088
7 years: 370,092
8 years: 2,072,514
9 years: 11,606,077



An unspayed female dog, her mate and all of their puppies and their puppies' puppies, if none are ever neutered or spayed, add up to:

1 year: 16
2 years: 128
3 years: 512
4 years: 2,048
5 years: 12,288
6 years: 67,000



**MONTANA SENATE
1997 LEGISLATURE
BUSINESS AND INDUSTRY COMMITTEE**

ROLL CALL

DATE

3-15-97

[illegible]

SEN:1997

wp.rollcall.man

CS-09

DATE 3-14-97

SENATE COMMITTEE ON Bus & Inv

BILLS BEING HEARD TODAY: HB 431; HB 435
HB 478

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
<i>Judith Fenton</i>	<i>Animal welfare</i>	<i>435</i>	☒	☐
DONALD FENTON	" "	435	☒	☐
<i>Greg Van Horssen</i>	<i>State Farm Ins Co</i>	<i>HB478</i>	☒	☐
<i>John Semmer</i>	<i>Animal Welfare</i>	<i>HB 435</i>	☒	☐
<i>Ethyl Brown Heel</i>	<i>Animal Welfare</i>	<i>HB 435</i>	☒	☐
DAVE FISHER	PSC	HB431	☒	☐
<i>Linda Owen</i>	<i>L & C Humane Soc.</i>	<i>435</i>	☒	☐
<i>Sandy Nantz</i>	<i>L & C Humane Soc.</i>	<i>435</i>	☒	☐
<i>Colleen Miller</i>	<i>West. MT Spay/Neuter T.F.</i>	<i>435</i>	☒	☐
<i>Barbara Rant</i>	<i>USWEST Communcal</i>	<i>HB431</i>	☒	☐
<i>Mike Strand</i>	<i>Montana Independent telecommunications Systems</i>	<i>HB 431</i>	☒	☐
<i>Carolyn Cunningham</i>	<i>my self</i>	<i>HB435</i>	☒	☐
<i>JOAN MANDEVILLE</i>	<i>Montana Tel. Assoc.</i>	<i>HB 431</i>	☒	☐
<i>Charles R. Brooks</i>	<i>MT FID. GLASS DENTALSSOC</i>	<i>HB478</i>	☒	☐

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE _____

SENATE COMMITTEE ON Sen Bus + Inal

BILLS BEING HEARD TODAY: _____

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Jorge Quintana	Missoula Humane Society	435	✓	
Constance Bayne	Seniors & Clark Hum Soc	435	✓	
Jacqueline Henmark	Am. Ind. Assoc'n	478	✓	
Dennis Iverson	MOONSHANS AND THIER PETS		✓	
Dick Pattison	MT SR CITIZENS	HB 431	✓	
Don Judge	MT STATE AFL-CIO	HB 431	✓	
Rep. Dorothy Simpson	Florence Powell City	435	✓	
Jan Borakini	Borakini	435	✓	
Janice C. Reilly	Borakini	435	✓	
Arthur Alexander	Hamilton	435	✓	
Stuart Duggell	MT Veterinary Medical Assoc	435	✓	
Flora Vate	St. Luke's	478	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

EXECUTIVE ACTION ON HB 533

Motion/Vote: SEN. WILLIAM CRISMORE MOVED HB 533 BE CONCURRED IN.
THE MOTION CARRIED UNANIMOUSLY: 6-0 SEN. HARP WILL CARRY.

EXECUTIVE ACTION ON HB 431

Motion: SEN. STEVE BENEDICT MOVED HB 431 BE CONCURRED IN.

Amendments: SEN. BENEDICT MOVED TO AMEND HB 431 (EXHIBIT 1)
hb043101.abc.

Discussion: Bart Campbell explained the amendments. Immediate effective date was included. The bill will also be applied to all long distance carriers.

Vote: The MOTION to AMEND HB 431 CARRIED UNANIMOUSLY: 6-0

Motion/Vote: SEN. BENEDICT MOVED HB 431 BE CONCURRED IN AS AMENDED. THE MOTION CARRIED UNANIMOUSLY: 6-0 SEN. J. D. LYNCH WILL CARRY.

{Tape: 1; Side: A; Approx. Time Count: 9:50 AM; Comments: N/A.}

EXECUTIVE ACTION ON HB 435

Motion: SEN. BEA MCCARTHY MOVED HB 435 BE CONCURRED IN.

Amendments: SEN. MCCARTHY MOVED TO AMEND HB 435 (EXHIBIT 2)
hb043501.abc.

Discussion: Bart Campbell explained the amendments. The confidentiality portion was clarified and made more restrictive.

Vote: THE MOTION to AMEND HB 435 CARRIED UNANIMOUSLY: 5-0

Substitute Motion: SEN. CASEY EMERSON MOVED TO TABLE HB 435.

Vote: The MOTION TO TABLE HB 435 FAILED with SENATORS HERTEL, MCCARTHY AND BENEDICT voting NO: 2-3

Motion/Vote: SEN. MCCARTHY MOVED HB 435 BE CONCURRED IN AS AMENDED. THE MOTION CARRIED WITH SENATOR EMERSON voting NO: 4-1 SEN. SHEA WILL CARRY.

{Tape: 1; Side: B; Approx. Time Count: 9:59 AM; Comments: N/A.}

Amendments to House Bill No. 435
Third Reading Copy

Requested by Representative Harper
For the Committee on Business and Industry

Prepared by Bart Campbell
March 13, 1997

1. Title, lines 4 and 5.
Following: "PROVIDED" on line 4
Strike: "UPON" through "DOG" on line 5
2. Title, line 5.
Following: "AND"
Insert: "PUBLICLY OPERATED"
Following: "SHELTER"
Strike: ", "
Following: "SHELTERS"
Insert: "AND POUNDS WHEN MAKING A CAT OR DOG AVAILABLE FOR SALE
OR ADOPTION"
Following: "; "
Insert: "PROVIDING FOR THE RETENTION AND CONFIDENTIALITY OF
CERTAIN INFORMATION;"
3. Title, line 7.
Following: "SOCIETY"
Strike: ", "
Insert: "OR PUBLICLY OPERATED"
Following: "SHELTER"
Strike: ", "
Following: "OR"
Strike: "PUBLIC ANIMAL"
4. Page 1, line 13.
Following: "**Sale**"
Insert: "**or adoption**"
Following: "required."
Insert: "(1)"
5. Page 1, line 14.
Following: "operator"
Insert: ", "
Strike: "OR"
6. Page 1, line 15.
Following: "SOCIETY"
Insert: ", "
7. Page 1, line 16.
Following: "sale"
Insert: "or adoption"

8. Page 1, line 17.

Strike: "(1)"

Insert: "(a)"

Renumber: subsequent subsections

9. Page 1, line 20.

Following: "INCLUDING"

Insert: ", if available,"

Following: ";

Insert: "and"

10. Page 1, line 22.

Strike: ";

Insert: "."

11. Page 1, following line 22.

Insert: "(2) The following information must be retained for a period of 2 years and remains confidential unless requested pursuant to an enforcement action or legal proceeding:"

12. Page 1, line 23.

Strike: "(5)"

Insert: "(a)"

Renumber: subsequent subsections

13. Page 1, line 25.

Following: "sale"

Insert: "or adoption"

14. Page 2, line 1.

Strike: "animal shelter or"

Following: "society"

Insert: ", animal shelter, or pound"

15. Page 2, line 3.

Following: the first "or"

Insert: "publicly operated"

16. Page 2, lines 8, 13, 23, and 26.

Following: "society"

Strike: ", "

Insert: "or publicly operated"

Following: "shelter"

Strike: ", "

17. Page 2, line 23.

Following: "adopted"

Strike: ", "

Insert: "from or"

Following: "sold"

Strike: ", "

18. Page 3, lines 5, 8, and 11.

Following: "societies"

Strike: ", "

Insert: "and publicly operated"
Following: "shelters"
Strike: ", "
Following: "and"
Strike: "public animal"



SENATE STANDING COMMITTEE REPORT

Page 1 of 3
March 19, 1997

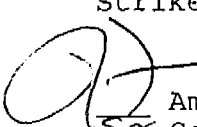
MR. PRESIDENT:

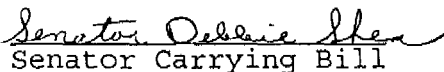
We, your committee on Business and Industry having had under consideration House Bill 435 (third reading copy -- blue), respectfully report that House Bill 435 be amended as follows and as so amended be concurred in.

Signed: John Hertel
Senator John R. Hertel, Chair

That such amendments read:

1. Title, lines 4 and 5.
Following: "PROVIDED" on line 4
Strike: "UPON" through "DOG" on line 5
2. Title, line 5.
Following: "AND"
Insert: "PUBLICLY OPERATED"
Following: "SHELTERS"
Insert: "AND POUNDS WHEN MAKING A CAT OR DOG AVAILABLE FOR SALE
OR ADOPTION"
Following: " ; "
Insert: "PROVIDING FOR THE RETENTION AND CONFIDENTIALITY OF
CERTAIN INFORMATION ;"
3. Title, line 7.
Following: "SOCIETY"
Strike: " , "
Insert: "OR PUBLICLY OPERATED"
Following: "SHELTER"
Strike: " , "
Following: "OR"
Strike: "PUBLIC ANIMAL"
4. Page 1, line 13.
Following: "Sale"
Insert: "or adoption"
Following: "required."
Insert: "(1)"
5. Page 1, line 14.
Following: "operator"
Insert: " , "
Strike: "OR"


Amd. Coord.
Sec. of Senate


Senator Carrying Bill

601449SC.SRF

6. Page 1, line 15.
Following: "SOCIETY"
Insert: ", "

7. Page 1, line 16.
Following: "sale"
Insert: "or adoption"

8. Page 1, line 17.
Strike: "(1)"
Insert: "(a)"
Renumber: subsequent subsections

9. Page 1, line 20.
Following: "INCLUDING"
Insert: ", if available,"
Following: ";"
Insert: "and"

10. Page 1, line 22.
Strike: ";"
Insert: "."

11. Page 1, following line 22.
Insert: "(2) The following information must be retained for a
period of 2 years and remains confidential unless requested
pursuant to an enforcement action or legal proceeding:"

12. Page 1, line 23.
Strike: "(5)"
Insert: "(a)"
Renumber: subsequent subsections

13. Page 1, line 25.
Following: "sale"
Insert: "or adoption"

14. Page 2, line 1.
Strike: "animal shelter or"
Following: "society"
Insert: ", animal shelter, or pound"

15. Page 2, line 3.
Following: the first "or"
Insert: "publicly operated"

16. Page 2, lines 8, 13, 23, and 26.

Following: "society"

Strike: ", "

Insert: "or publicly operated"

Following: "shelter"

Strike: ", "

17. Page 2, line 23.

Following: "adopted"

Strike: ", "

Insert: "from or"

Following: "sold"

Strike: ", "

18. Page 3, lines 5, 8, and 11.

Following: "societies"

Strike: ", "

Insert: "and publicly operated"

Following: "shelters"

Strike: ", "

Following: "and"

Strike: "public animal"

-END-